

# SUMMARY ANALYSIS OF AMENDED BILL

Franchise Tax Board

Author: Papan Analyst: Darrine Distefano Bill Number: AB 1014

Related Bills: See Prior Analysis Telephone: 845-6458 Amended Date: 07-02-2001

Attorney: Patrick Kusiak Sponsor: \_\_\_\_\_

**SUBJECT:** Public Records Disclosure Procedure/State Agencies State Date & Time Records Will Be Available

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended \_\_\_\_\_.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as amended May 1, 2001.

FURTHER AMENDMENTS NECESSARY.

DEPARTMENT POSITION CHANGED TO \_\_\_\_\_.

REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED May 1, 2001. STILL APPLIES.

OTHER - See comments below.

## SUMMARY

When responding to a California Public Records Act (the Act) request, this bill would require an agency to:

- Estimate the date and time public records would be available to the requester.
- Provide additional services when assisting the requester.

## SUMMARY OF AMENDMENT

The July 2, 2001, amendments made the following changes:

- Clarified what an agency is required to provide when assisting the requester.
- Specified that the additional assistance that would be provided by this bill is not required if the agency:
  - ♦ Already produced the record.
  - ♦ Determines the request should be denied based on the exemptions set forth in the Act.

The amendments did not resolve the department's implementation or technical considerations with respect to the bill as amended May 1, 2001. Accordingly, the unresolved implementation and technical considerations are repeated below for convenience. The remainder of the department's analysis of the bill as introduced May 1, 2001, still applies.

Board Position:

<u>      </u> S	<u>      </u> NA	<u>      </u> NP
<u>      </u> SA	<u>      </u> O	<u>      </u> NAR
<u>      </u> N	<u>      </u> OUA	<u>  X  </u> PENDING

Legislative Director

Date

Brian Putler

07/19/01

## **POSITION**

Pending.

## **IMPLEMENTATION CONSIDERATIONS**

The amendments would introduce the term "information" to the Act. It is unclear what "information" the bill requires an agency to identify. Presently, the Act requires the release only of disclosable public records, not "information." To be consistent with the provisions of the Act, the department would interpret "information" to mean a public record. However, it would be preferable if the term is clarified or defined.

## **TECHNICAL CONSIDERATIONS**

The author may wish to clarify that the bill would apply to requests for public records made on or after January 1, 2002. This would reduce potential confusion regarding requests that have been made before that date and are still being processed.

## **LEGISLATIVE STAFF CONTACT**

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